

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

**DRIVE PLANNING, LLC and
RUSSELL TODD BURKHALTER,**

Defendants,

and

**JACQUELINE BURKHALTER,
THE BURKHALTER RANCH,
DRIVE PROPERTIES, LLC, TBR
SUPPLY HOUSE, INC., and DRIVE
GULFPORT PROPERTIES,**

Relief Defendants.

Civil Case No.:

1:24-cv-3583-VMC

**DEFENDANT RUSSELL TODD BURKHALTER'S UNOPPOSED MOTION
TO ALLOW FUNDS FOR LIVING EXPENSES**

Defendant Russell Todd Burkhalter, through undersigned counsel, respectfully moves this Court for an order allowing the release of funds to pay for living expenses. Pursuant to the Preliminary Injunction Freezing Assets and Granting Other Equitable

Relief, [Doc. 11], entered on August 13, 2024, Mr. Burkhalter was allowed to transfer \$62,000 into a new bank account to cover his reasonable living and other expenses for the next six months. It has been almost 4.5 months since the Order was entered, and Mr. Burkhalter's finances are dwindling. Accordingly, Mr. Burkhalter seeks permission of the Court to allow the release of another \$60,000 in funds currently held by the Receiver for Mr. Burkhalter's expenses for the next six months. Undersigned counsel has conferred with both the SEC and the Receiver regarding the requested relief. Both the SEC and the Receiver have informed undersigned counsel that, without prejudice to opposing any future motion, they have no opposition to the requested relief. In further support of this motion, Mr. Burkhalter states:

On August 13, 2014, the SEC filed suit against Drive Planning and Mr. Burkhalter. [Doc. 1]. That day, the Court entered two orders – Order Appointing Receiver, [Doc. 10], and Preliminary Injunction Freezing Assets and Granting Other Equitable Relief, [Doc. 11]. In the Preliminary Injunction Order, all of Mr. Burkhalter's assets were frozen. However, the SEC and Mr. Burkhalter, through counsel, negotiated the amount of \$62,000 to be released to Mr. Burkhalter to cover living and other expenses for six months. [Doc. 11 at p. 4].

This amount released from the asset freeze was based on an approximation of funds necessary for Mr. Burkhalter's expenses. However, it now appears that the funds will be expended before that time.

Mr. Burkhalter does not have any other bank accounts or funds from which to provide the requested relief. Accordingly, the funds would have to be released from a Drive Planning bank account controlled by the Receiver.

In light of the foregoing, Mr. Burkhalter respectfully requests that the Court issue an order modifying the Preliminary Injunction to direct the Receiver to transfer \$60,000 to the bank account set up by Mr. Burkhalter post-entry of the asset freeze to provide for Mr. Burkhalter's living and other expenses for the next six months.

WHEREFORE, Mr. Burkhalter respectfully requests that the Court enter the proposed Order attached as Exhibit A, and such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of December, 2024.

/s/ Aaron M. Danzig

Aaron M. Danzig, GA Bar No. 205151
Kara G. Silverman, GA Bar No. 679841
ARNALL GOLDEN GREGORY LLP
171 17th St. NW, Ste. 2100
Atlanta, GA 30363
Phone: 404-873-8504
Facsimile: 404-873-8505
aaron.danzig@agg.com
kara.silverman@agg.com

Counsel for Defendant Todd Burkhalter

CERTIFICATE OF COMPLIANCE AND SERVICE

Counsel for Defendant Todd Burkhalter certifies that this document has been prepared with one of the font and point selections approved by the Court in LR 5.1, NDGa, namely, Times New Roman, 14 point. Counsel further certifies that this document was electronically filed with the Clerk of Court using the using the CM/ECF system, which will send notification of such filing to all counsel of record.

This 23rd day of December 2024.

/s/ Aaron M. Danzig

Aaron M. Danzig

GA Bar No. 205151